IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6079 OF 2005

Avinash Bhalchandra Gupte ..Petitioner.

Vs.

The District Judge, Thane & Ors. ..Respondents.

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Mr.S.M.Oak with Mr.Ambar Joshi for the Petitioner.

Mr.V.P.Malvankar, AGP for the State.

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CORAM : F.I.REBELLO &

DR.D.Y.CHANDRACHUD, JJ.

15th September, 2005.

P.C. :

1. Rule. Heard forthwith.

2. The Petitioner is presently employed as a Bailiff in the Civil Court, (Senior Division), Thane. He has approached this Court on account of rejection of his plea for time bound promotion scheme which the Learned District Judge has ordered by his order dated 15th May, 2004.

3. A Division Bench of this Court had an occasion to consider the issue of granting of time bound promosion scheme in Writ Petition 6977 of 2004 which was decided on 18th March, 2005. Subsequent to that judgment, a decision has been taken on the administrative side of this Court and the following guidelines have been laid down for the grant of time bound promotion scheme. The guidelines are as under :

"1. The benchmark for consideration for grant of benefit under the Scheme shall be average. In the CRs for five years, there should be at least be three ratings of 'good and satisfying other requirements.

2. The test for grant of the benefit under the Scheme shall be whether a candidate is eligible for promotion and not whether he or she would be promoted.

3. Those employees who are ineligible for regular promotion and/or have refused promotion shall not be considered for grant of benefit under the Scheme.

4. The benefit agranted to the employees under the Scheme shall be withdrawn if they refuse regular promotion in future. However, the monetary benefit already received by them in the past shall not be recovered."

4. In the light of that, the impugned order, in so far as the Petitioner is concerned, is set aside. The matter is remanded to Respondent No.1 to consider the case of the Petitioner in terms of the guidelines issued by this Court on its administrative side. Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)